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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,226	12/23/2005	Toshio Nakamura	32178-226891	5470
26694	7590	10/03/2007	EXAMINER	
VENABLE LLP			STRIEB, MICHAEL A	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20043-9998			2809	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/562,226	NAKAMURA, TOSHIO
	<b>Examiner</b>	<b>Art Unit</b>
	Michael A. Strieb	2809

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 December 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-22 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 23 December 2005 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/23/2005

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Information Disclosure Statement***

1. The information disclosure statement filed 12/23/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 11-17, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Musgrave et al (US 6,377,699 B1).

Regarding **claim 1**, Musgrave et al disclose a photographing apparatus having an illuminating unit which irradiates light of a band of a small energy in natural light to the object (column 2, lines 16-21); and a photographing unit which obtains reflection light of the light which has been irradiated from said illuminating unit and reflected by said object and obtains the video image of said object on the basis of said obtained reflection light (column 1, lines 65-67; column 2, lines 1-8).

Regarding **claim 2**, Musgrave et al further disclose wherein said illuminating unit irradiates the light including a plurality of wavelengths of the small energies in the natural light in said band (column 4, lines 52-54).

Regarding **claim 3**, Musgrave et al further disclose wherein said illuminating unit irradiates the light including a Fraunhofer line in the band of the small energy in said natural light (column 4, lines 52-54).

Regarding **claim 4**, Musgrave et al further disclose a light source unit which forms a light source having various wavelengths (column 4, lines 52-54) and a low energy pass filter which allows the light of the band of the small energy in the natural light in said light source formed by said light source unit to pass (column 4, lines 45-49).

Regarding **claim 5**, Musgrave et al further disclose a reflection light pass filter which obtains said reflection light (column 4, lines 45-49), and a photoelectric converting unit which converts said reflection light which has passed through said filter into an electric signal (column 6, lines 29-30; lines 66-67; column 7, lines 1-5).

Regarding **claim 6**, Musgrave et al disclose an organism information recognizing system for recognizing an object on the basis of organism information (column 1, lines 6-9) which is formed on the basis of a video image of said object (column 4, lines 27-30), comprising a photographing apparatus having an illuminating unit which irradiates light of a band of a small energy in natural light to the object (column 2, lines 16-21); and a photographing unit which obtains reflection light of the light which has been irradiated from said illuminating unit and reflected by said object and obtains the video

image of said object on the basis of said obtained reflection light (column 1, lines 65-67; column 2, lines 1-8).

Regarding **claim 7**, Musgrave et al further disclose wherein said organism information recognizing system recognizes an iris of said object as organism information (column 2, lines 35-42).

Regarding **claim 11**, Musgrave et al disclose a photographing apparatus having an illuminating unit which irradiates light of a band of a small energy in natural light to the object (column 2, lines 16-21); and a photographing unit which obtains reflection light of the light which has been irradiated from said illuminating unit and reflected by said object and obtains the video image of said object on the basis of said obtained reflection light (column 1, lines 65-67; column 2, lines 1-8).

Regarding **claim 12**, Musgrave et al disclose a photographing apparatus having an illuminating unit which irradiates light of a band of a small energy in natural light to the object (column 2, lines 16-21); and a photographing unit which obtains reflection light of the light which has been irradiated from said illuminating unit and reflected by said object and obtains the video image of said object on the basis of said obtained reflection light (column 1, lines 65-67; column 2, lines 1-8).

Regarding **claims 13-15**, Musgrave et al teach all of the limitations as applied to claims 1-3, respectively.

Regarding **claims 16-17**, Musgrave et al teach all of the limitations as applied to claims 6-7, respectively.

Regarding **claims 21-22**, Musgrave et al teach all of the limitations as applied to claims 11-12, respectively.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrave et al (US 6,377,699 B1) in view of Dobashi et al (US 2001/0031072).

Regarding **claim 8**, Musgrave et al disclose all the limitations of the invention as applied to claim 6 above.

Musgrave et al do not disclose wherein said organism information recognizing system recognizes a face of said object as organism information.

Dobashi et al disclose an organism information recognizing system that recognizes a face of said object as organism information (paragraph 72).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Dobashi et al with Musgrave et al because the substitution of one known element, that of face recognition, for another, that of iris recognition, would have yielded predictable results of identification verification.

Therefore, it would have been obvious to combine Dobashi et al with Musgrave et al to obtain the invention as disclosed in claim 8.

Regarding **claim 18**, The combination of Dobashi et al and Musgrave et al teach all of the limitations as applied to claim 8, above.

6. Claims 9-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrave et al (US 6,377,699 B1) in view of Piosenka et al (US 4,993,068).

Regarding **claim 9**, Musgrave et al disclose all the limitations of the invention as applied to claim 6 above.

Musgrave et al do not disclose wherein said organism information recognizing system recognizes a retina of said object as organism information.

Piosenka et al disclose an organism information recognizing system that recognizes a retina of said object as organism information (column 8, lines 41-43; lines 50-61).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Piosenka et al with Musgrave et al because the substitution of one known element, that of retina recognition, for another, that of iris recognition, would have yielded predictable results of identification verification.

Therefore, it would have been obvious to combine Piosenka et al with Musgrave et al to obtain the invention as disclosed in claim 9.

Regarding **claim 10**, Musgrave et al disclose all the limitations of the invention as applied to claim 6 above.

Musgrave et al do not disclose wherein said organism information recognizing system recognizes a fingerprint of said object as organism information.

Piosenka et al disclose an organism information recognizing system that recognizes a fingerprint of said object as organism information (column 8, lines 43-45; lines 50-61).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Piosenka et al with Musgrave et al because the substitution of one known element, that of fingerprint recognition, for another, that of iris recognition, would have yielded predictable results of identification verification.

Therefore, it would have been obvious to combine Piosenka et al with Musgrave et al to obtain the invention as disclosed in claim 10 above.

Regarding **claims 19-20**, Piosenka et al in combination with Musgrave et al teach all of the limitations as applied to claims 9-10, respectively.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bonneau, Jr. (US 5,581,630) "Personal identification"

Gillard et al (US 5,563,417) "Process and apparatus for automatically characterizing, optimizing, and checking a crack detection analysis method"

Ito et al (US 2001/0019357) "Intruding object monitoring method and intruding object monitoring system"

Ito et al (US 6,445,409 B1) "Method of distinguishing a moving object and apparatus of tracking and monitoring a moving object"

Kobayashi et al (US 5,144,680) "Individual identification recognition system"

Masato (JP 2001-209884) "Vehicle number reader"

Taft et al (US 4,794,452) "Through flame optical viewing"

Tanigawa et al (US 6,307,951 B1) "Moving body detection method and apparatus and moving body counting apparatus"

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Strieb whose telephone number is 571-270-3528. The examiner can normally be reached on Monday-Friday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS



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